

P&G Case 8375D

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of :
Degenhardt *et al.* : Confirmation No. 6277
Serial No. 09/996,657 : Group Art Unit 1625
Filed November 29, 2001 : Examiner: R. Desai
For SUBSTITUTED HETEROCYCLIC COMPOUNDS FOR TREATING MULTIDRUG
RESISTANCE

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the Restriction Requirement dated March 11, 2002 for the above-identified patent application, please consider the following remarks.

REMARKS

The Examiner has restricted examination of the present claims to one of the following groups:

Group I: Claims 3, 4, 6, 7, and 8 and 1, 2, 5, and 11 - 16 in part, drawn to compounds, pharmaceutical compositions and methods of treatment wherein D^4 is CO , R^2 is as given in Claim 6, R^1 is a hydrogen or hydroxyl, x is 0 or 1, A^4 is a six-membered ring with one nitrogen, D^5 is OR^6 , and R^6 is a heteroaromatic ring.

Group II: Claims 10 and 1, 2, 5, and 11 - 16 in part, drawn to compounds, pharmaceutical compositions and methods of treatment wherein D^4 is CHR^1 , D^5 is $-NHR^6$, R^2 is as given in Claim 6, R^1 is a hydrogen or hydroxyl, x is 0 or 1, A^4 is a six-membered ring with one nitrogen, and R^6 is a heteroaromatic ring.

Group III: Claims 10 and 1, 2, 5, and 11 - 16 in part, drawn to compounds, pharmaceutical compositions and methods of treatment wherein D^4 is CHR^1 , D^5 is $-OR^6$, R^2 is as given in Claim 6, R^1 is a hydrogen or hydroxyl, x is 0 or 1, A^4 is a six-membered ring with one nitrogen, and R^6 is a heteroaromatic ring.

Group IV: Drawn to all remaining compounds and their methods of treatment, subject to further restriction.

Applicants traverse this requirement. There are two criteria for a proper requirement for restriction: (1) The inventions must be independent or distinct as claimed; and (2) There